

Before the Board of Zoning Adjustment, D. C.

Application No. 11922 of Harry D. Johnson, pursuant to Section 8207.1 of the Zoning Regulations, for a variance from the 900 square feet rule of Section 3301.1 of the regulations, to permit the conversion of a dwelling to a three (3) unit apartment house in the R-4 zone, as provided by Section 8207.11 of the regulations, at the premises 1642 Monroe Street, N. W., Lot 678, Square 2609.

HEARING DATE: October 15, 1975

DECISION DATE: October 15, 1975

ORDER

Based upon the evidence of Record, and testimony at public hearing, the Board finds that the applicant did not prove the existence of a hardship or practical difficulty to warrant the granting of the requested variance. The record indicates that the applicant, at present, in violation of the regulations, operates an apartment house containing three units occupied by 5 tenants. The property in question is improved by a true story now dwelling with off-street parking. The applicant's owner of the property installed a kitchen and bathroom in the basement to create a unit without a permit. Strict application of the regulations would require the applicant to have 2700 sq. ft. of lot area for a conversion to a three (3) unit multiple dwelling. The lot in question contains 1,666 sq. feet of area which is 1,034 sq. ft. less than required. The Board takes notice that the applicant can, as a matter of right, obtain permission to use the subject property as a flat (two units) as a matter of right.

The Board is of the opinion, that unless the applicant is able to show the existence of a hardship for his request, the increase of density of use at the subject property, without parking, would be detrimental to the public good the Board concludes that the applicant has not carried his burden of proof in order to satisfy Section 8207.11 of the Regulations, and that to grant a variance without such proof would impair the meaning and intent of the Zoning Regulations and Map.

ORDERED: That the above application be and is hereby DENIED.

VOTE: 3-0 (Lilla Burt Cummings, Esq. and Dr. Lewis not voting, not having heard the case).

By ORDER OF D. C. Board of Zoning Adjustment

ATTESTED BY:


James E. Miller,
Secretary to the Board

FINAL DATE OF ORDER;

October 15, 1975

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 11922 of Harry D. Johnson, pursuant to Sub-section 8207.1 of the Zoning Regulations for a variance from the lot area requirement of 900 square feet per unit (Sub-section 3301) to permit the conversion of a building to a three (3) unit apartment house in the R-4 District at the premises 1642 Monroe Street, N.W. (Square 2609, Lot 678.

HEARING DATES: May 15, 1976, October 15, 1975
DECISION DATE: July 13, 1976

FINDINGS OF FACT:

1. This case was first heard by the Board on October 15, 1975. The Board found that the applicant did not prove the existence of a hardship or practical difficulty to warrant the granting of the requested variance and denied the application.

2. By letter dated February 5, 1976, the applicant requested waiver of the ten (10) day rule and requested reconsideration of his application to allow him to live out the remainder of his life self supporting in dignity as an asset and not a welfare liability.

3. A letter of support for reconsideration was filed by Councilmember David A. Clark, Ward #one. The Board, on March 23, 1976 at their monthly meeting voted to waive Section 5.41 (ten day rule) of the supplemental rules.

4. The Board reheard the application on May 15, 1976.

5. Based upon the evidence of the record and testimony at the rehearing, the Board was of the opinion that the applicant in this case did not present evidence to prove the existence of hardship or practical difficulty to warrant the granting of the requested variance. Strict application of the regulations would require the applicant to have 2,700 square feet of lot area for conversion of a three-unit multiple dwelling. The lot in question has an area of 1,666 square feet, which is 1,034 square feet less than required.

6. The record contains several letters and one petition (containing twenty signatures) opposing the granting of the requested variance due to the existing congestion in the area, the heavy traffic and acute lack of parking on Monroe Street, and the environmental impact that increased density in the area could cause.

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CONCLUSIONS OF LAW AND OPINION:

The Board is of the opinion that unless the applicant can prove the existence of a hardship, the increased density of use at the subject premises, without parking, would be detrimental to the public good. The Board concludes that the applicant has not carried the burden of proof required in order to satisfy Section 8207.11 of the Regulations and that the granting of a variance without such proof would impair the meaning and intent of the Zoning Regulations and Map.


The Board takes notice, however, that the applicant can obtain permission to use the subject premises as a flat (two units) as a matter of right.

ORDERED, that the above application be and is hereby, DENIED.

VOTE: 3-0 (Lilla Burt Cummings, Esq., Ruby B. McZier, Esq., and William F. McIntosh to Deny, Williams S. Harps and Leonard L. McCants, Esq., not voting).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


BERNARD J. MCMAHON
Assistant Secretary

FINAL DATE OF ORDER: 5-11-77

Before the Board of Zoning Adjustment, D. C.

Application No. 11922 of Harry D. Johnson, pursuant to Sub-section 8207.1 of the Zoning Regulations, for a variance from the lot area requirements of 900 square feet per unit (Sub-section 3301) to permit the conversion of a building to a three unit apartment house in the R-4 District at the premises 1642 Monroe Street, N. W. (Square 2609, Lot 678).

HEARING DATE: October 15, 1975

DECISION DATE: October 15, 1975

DISPOSITION: Application DENIED by a vote of 3-0 (Samuel Scrivener Jr. William S. Harps and William F. McIntosh to deny, Walter B. Lewis and Lilla Burt Cummings, Esq., not voting, not having heard the case)

FINAL DATE OF ORDER: October 15, 1975

O R D E R

Upon consideration of the applicant's requests for waiver of the ten day rule and for reconsideration, dated February 5, 1976, the Board concludes that the medical reasons advanced by the applicant provide sufficient good cause for the Board, pursuant to Section 1.3 of the Supplemental Rules to waive the requirement of Section 5.41 of the Supplemental Rules of Practice and Procedure before the Board. The Board further concludes that the applicant has set forth reasonable grounds to support additional consideration of his application. It is therefore ORDERED that this application be set for REHEARING with proper notice and advertisement in accordance with the Supplemental Rules of the Board.

DATE OF DECISION: March 23, 1976

VOTE: 4-0 to waive Section 5.41 of the Supplemental Rules (Ruby B. McZier, Esq., Lilla Burt Cummings, Esq., William F. McIntosh and Leonard L. McCants, Esq. to waive, William S. Harps not present not voting)

5-0 to rehear (Lilla Burt Cummings, Esq., William F. McIntosh,
William S. Harps, Leonard L. McCants and
Ruby B. McZier, Esq. to rehear)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:



STEVEN E. SHER
Acting Secretary to the Board

APR 6 1976

FINAL DATE OF ORDER: